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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,937	09/07/1999	IGOR V. KARPENKO	VISAP022/P10	7838

22434 7590 06/02/2003

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/390,937

Applicant(s)

KARPENKO, IGOR V.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14, 17-20, 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 17-20 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 22 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Claims 21-28 are withdrawn, claims 29-32 were added, claims 1-14, 17-20, 29-32 remain.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 17, 29, 31 are rejected under 35 U.S.C. 102(e) as being unpatentable over Chasek (5,894,422).

As per Claim 1.

Chasek ('422) discloses:

receiving a utility reading, the utility reading being a measure of the usage of the utility by a customer, wherein the utility reading is received from a first remote location across a first transmission medium, see figure 2 and column 2, lines 60-65 and column 6, lines 41-57,

determining an amount after receiving the utility reading, wherein the amount is determined using the received utility reading, see column 2, lines 5-12;

transmitting the amount to a second remote location after determining the amount, the amount being transmitted to the second remote location across a second transmission medium, wherein the second remote location is arranged to effect a payment of the amount by a customer see column 2, lines 33-53.

As per claim 2.

Chasek ('422) further discloses:

the first transmission medium is a network communications line, see column 2, lines 28-31.

As per claim 3.

Chasek ('422) further discloses:

the second transmission medium is a network communications line, see column 2, lines 34-38.

As per Claim 17.

Chasek ('422) discloses:

an electronic meter reader, wherein the electronic meter reader is arranged to electronically obtain meter counts associated with the usage of the utility, see column 4, lines 6-31;

a processor-memory unit, the processor-memory unit being coupled to the electronic meter reader, the processor memory unit being arranged to process and store information relating to the usage of the utility, wherein the information includes the meter counts obtained from the electronic meter reader, see column 4, line 31 – column 5, line 13;

a communication device coupled to the processor-memory unit, wherein the communication device is arranged to allow the processor-memory unit to transmit the processed information to a remote receiving device, see column 4, lines 14-16 and column 6, lines 41-57;

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wherein the connection mechanism is further arranged to send the message to the substantially remote receiving device, see column 2, lines 5-36 and column 6, lines 41-57 and figure 2.

As per Claim 29, 31.

Chasek ('422) further discloses the utility is electricity, see column 1, lines 21-56.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being anticipated by Chasek (5,894,422) in view of Thompson et al (4,948,174).

As per claim 4.

Chasek ('422) further discloses receiving the consumer's ID code at the billing computer, see column 4, lines 65-66, but does not disclose address information associated with a location of a meter.

Thompson et al ('174) teaches address information, see figure 1a (90) associated with a consumer's ID, see (96) for the benefit of sending a bill through the mail.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to associate address information associated with the location of the meter for the benefit of sending a bill through the mail.

As per claim 5.

Chasek ('422) further discloses a unit sending a customer identification code stored in a PROM, see column 4, lines 6-31, as a known method of identifying a meter during the meter reading.

5. Claims 6-8, 10-14, 19-20, 26, 30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chasek (5,894,422) in view of Frew et al (4,803,632).

As per Claim 6.

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transmitting the amount across a global telecommunications network, the global telecommunications network being arranged to substantially perform clearance and settlement transactions.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of credit card payment and debit card prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit the amount across a global network to perform clearance and settlement transactions as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 7.

generating a credit message using the amount, wherein transmitting the amount to the second remote location includes transmitting a credit message to the second remote location.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of credit card payment and debit card prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit a credit message as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 8.

generating a debit message using the amount wherein transmitting the amount to the second remote location includes transmitting the debit message to the second location.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of credit card payment and debit card prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit a debit message as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 10.

Chasek ('422) discloses:

electronically obtaining a reading from a utility meter, the reading being indicative of the usage of the utility, see column 4, lines 6-31;

generating a utility message, the utility message including the reading, see column 4, lines 6-31; and

transmitting the utility message to the processing center, for payment for the usage of the utility, wherein the utility message is transmitted across a transmission medium, see column 2, lines 6-14.

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Chasek ('422) does not specifically disclose the processing center being arranged to substantially initiate at least one of a credit transaction and a debit transaction.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 11.

Chasek ('422) discloses:

the transmission medium is a network communications line, see column 2, lines 18-31.

As per Claim 12.

Chasek ('422) discloses:

electronically reading the reading from the meter, see column 4, lines 6-31.

As per Claim 13.

Chasek ('422) teaches a customer identification code stored in the meter's PROM, passed as part of the meter reading.

Chasek ('422) does not specifically disclose the utility meter, wherein configuring the utility meter includes entering one of a credit account number and a debit account number into the utility meter.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 14.

Chasek ('422) teaches a fourth message in which customer identification code stored in the meter's PROM, is passed as part of the meter reading.

Chasek ('422) does not specifically disclose generating a utility message includes creating a second message field including one of a credit account number and a debit account number.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 19.

Chasek ('422) does not specifically disclose an input device configured to permit one of a credit or debit account number to be input.

Frew et al ('632) teaches a meter coupled to a card reader, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 20.

Chasek ('422) discloses a utility meter, arranged to generate a measure of usage of a utility meter, see column 2, lines 60-65;

a processing center, arranged to receive a measure of the utility from the utility meter, whereby said utility usage transaction is processed automatically, see column 2, lines 60-65 and column 6, lines 41-57, and

a communication device arranged to transmit the measure of usage to the processing center, see figure 2 and column 2, lines 60-65 and column 6, lines 41-57.

Chasek ('422) does not specifically disclose the processing mechanism further being arranged to effect at least one of a credit transaction and a debit transaction associated with the measure of the utility.

Frew et al ('632) teaches a meter coupled to a card reader for processing credit and debit transactions related to the utility consumed, see figure 1 (26) and column 3, line 64 – column 4, line 6 for the benefit of consumer convenience of payments and prepayment requirement processing.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide an input device configured to input a credit or debit account number as taught by Frew et al ('632) for the benefit of consumer convenience of payments and prepayment requirement processing.

As per Claim 30, 32.

Chasek ('422) further discloses the utility is electricity, see column 1, lines 21-56.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chasek (5,894,422) in view of Roos (5,699,276).

As per Claim 18.

Chasek ('422) does not specifically disclose the utility meter communicates using a telephone line.

Roos ('276) teaches a meter coupled to a telephone, power line, infrared, wireless optical cellular or satellite communications to transfer data, see column 2, lines 7-10, 25-27 and column 5, line 5 – column 6, line 20 for the benefit of using the most convenient and cost effective method of communication.


Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a telephone line or other communication medium as taught by Roos ('276) for the benefit of using the most convenient and cost effective method of communications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Thomas A. Dixon
Examiner
Art Unit 3629

May 30, 2003